

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00224

Louis Eugene Okon,
Plaintiff,

v.

Hide-A-Way Lake Club, Inc.,
Defendant.

ORDER

Plaintiff Louis Eugene Okon filed this action asserting claims for violations of rights secured to him by the United States and Texas Constitutions. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 16.

On November 20, 2024, the magistrate judge issued a report recommending that plaintiff's federal constitutional claims be dismissed without prejudice¹ for failure to state a claim. Doc. 19 at 12. The magistrate judge further recommended that the court decline to exercise supplemental jurisdiction over plaintiff's state constitutional claims. *Id.* at 14. Neither party filed written objections.

When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and

¹ The magistrate judge's report recommends dismissal "with prejudice" in the introduction and "without prejudice" throughout the rest of the report, including the conclusion. Therefore, this court will disregard the introduction's recommendation as clerical error and will accept the prevalent recommendation to dismiss this case without prejudice. In any event, though the parties disputed the prejudicial effect of any relief, *compare* Doc. 6 at 14 *with* Doc. 17 at 3, neither party objected to the report.

recommendation. Plaintiff's action is dismissed without prejudice. Any pending motions are denied as moot.

So ordered by the court on February 7, 2025.



J. CAMPBELL BARKER
United States District Judge